

1-1 By: Toth (Senate Sponsor - Williams) H.B. No. 3895
1-2 (In the Senate - Received from the House May 14, 2013;
1-3 May 14, 2013, read first time and referred to Committee on
1-4 Intergovernmental Relations; May 17, 2013, reported favorably by
1-5 the following vote: Yeas 3, Nays 0; May 17, 2013, sent to
1-6 printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Hinojosa	X			
1-9 Nichols			X	
1-10 Garcia	X			
1-11 Paxton			X	
1-12 Taylor	X			

1-14 A BILL TO BE ENTITLED
1-15 AN ACT

1-16 relating to the name of The Woodlands Road Utility District No. 1,
1-17 of Montgomery County, Texas, and to the administration, powers, and
1-18 duties of the district.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Section 1(a), Chapter 816, Acts of the 72nd
1-21 Legislature, Regular Session, 1991, is amended to read as follows:

1-22 (a) Pursuant to Article III, Section 52, of the Texas
1-23 Constitution, a road utility district is created in Montgomery
1-24 County, subject to approval at a confirmation election under
1-25 Section 9 of this Act, to be known as "The Woodlands Road Utility
1-26 District No. 1[, of Montgomery County, Texas]," which shall be a
1-27 governmental agency and a body politic and corporate.

1-28 SECTION 2. Section 2(3), Chapter 816, Acts of the 72nd
1-29 Legislature, Regular Session, 1991, is amended to read as follows:

1-30 (3) "District" means the The Woodlands Road Utility
1-31 District No. 1[, of Montgomery County, Texas].

1-32 SECTION 3. Sections 6(a) and (b), Chapter 816, Acts of the
1-33 72nd Legislature, Regular Session, 1991, are amended to read as
1-34 follows:

1-35 (a) The district has all of the rights, powers, privileges,
1-36 authority, duties, and functions conferred by the general law of
1-37 this state applicable to road utility districts created under
1-38 Article III, Section 52, of the Texas Constitution, including
1-39 Chapter 441, Transportation Code [13, Acts of the 68th Legislature,
1-40 2nd Called Session, 1984 (Article 6674r-1, Vernon's Texas Civil
1-41 Statutes)], to the extent those provisions can be made applicable.
1-42 If any provision of general law is in conflict or inconsistent with
1-43 this Act, this Act prevails. A provision of Chapter 441,
1-44 Transportation Code, granting the Texas Transportation Commission
1-45 jurisdiction over road utility district activities or projects does
1-46 not apply to the district.

1-47 (b) In addition to the rights, powers, privileges,
1-48 authority, and functions provided by Subsection (a) of this
1-49 section, the district may:

1-50 (1) add or exclude territory in the manner provided by
1-51 Subchapter H, Chapter 54, Water Code, and may define the boundaries
1-52 of the district by:

1-53 (A) metes and bounds;

1-54 (B) reference to property descriptions in
1-55 documents filed for record in the real property records of the
1-56 county or counties in which the district is located; or

1-57 (C) a combination of the methods described in
1-58 Paragraphs (A) and (B);

1-59 (2) contract with any person for the payment,
1-60 repayment, or reimbursement, out of bond proceeds or any other
1-61 specified source of funds, of any costs and reasonable carrying
1-62 costs incurred by that person for or on behalf of the district,
1-63 including the costs of constructing, acquiring, or improving a
1-64 district facility, notwithstanding that the facility may have been

conveyed to and accepted by the appropriate governmental entity prior to the payment, repayment, or reimbursement;

(3) make application for and contract with any person or entity to: receive, administer, and perform the district's duties and obligations under any federal, state, local, or private gift, grant, loan, conveyance, transfer, bequest, donation, or other financial assistance arrangement relating to the investigation, planning, analysis, study, design, acquisition, construction, improvement, completion, implementation, or operation by the district or others of a proposed or existing district facility or other roadway, water borne, pedestrian movement, or public transportation or conveyance system, facility, or improvement contemplated or described by Article III, Section 52(b), of the Texas Constitution; and

(4) provide or secure the payment or repayment of the district's costs or share of the costs by or through a contract or agreement with any person, or the issuance of district bonds, the levy of a maintenance tax, or the assessment of fees, in the manner provided by general law.

SECTION 4. Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Section 6A to read as follows:

Sec. 6A. ELIGIBILITY REQUIREMENTS FOR ELECTION JUDGES AND CLERKS. Notwithstanding the requirements of Section 32.051, Election Code, to be eligible to serve as a judge or clerk for a district election, a person must be a qualified voter of either Harris County or Montgomery County.

SECTION 5. Section 7, Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, is amended by amending Subsection (a) and adding Subsections (d) and (e) to read as follows:

(a) Except as provided by Section 7A, the [The] district is governed by a board of five directors.

(d) A majority of all directors, including vacant director positions and absent directors, constitutes a quorum.

(e) A majority vote of all directors, including vacant director positions and absent directors, is necessary to adopt any motion or measure.

SECTION 6. Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, is amended by adding Section 7A to read as follows:

Sec. 7A. APPOINTED DIRECTORS. (a) The board, on its own motion and by written resolution, may from time to time increase the number of directors on the board to include a director appointed by each governing body of one or more political subdivisions, other than a school district or municipality, the boundaries of which overlap more than 90 percent of the territory of the district.

(b) Notwithstanding any other law, or a common law or judicial doctrine to the contrary, a political subdivision described by Subsection (a) may appoint to the board a member of the governing body of or an employee of that political subdivision. A director described by this subsection shall serve without compensation from the district and shall take and perform the constitutional oath of office as a director of the district.

SECTION 7. Section 11(b), Chapter 816, Acts of the 72nd Legislature, Regular Session, 1991, is amended to read as follows:

(b) If at any time there are fewer than the number of [three] directors on the board necessary to constitute a quorum, the commission shall, on petition of a person who owns land included in the district, fill each vacancy for the unexpired term.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

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